

REMARKS

Reconsideration of the above-identified application in view of the preceding amendments and following remarks is respectfully requested. By this Amendment, Applicant has amended Claims 22, 25-26, 30 and 35. Claims 6-14 and 21 were previously cancelled. Claims 1-5, 15-20 and 22-40 remain pending in this application. It is respectfully submitted that no new matter has been introduced by these amendments, as support therefor is found throughout the specification and drawings.

Allowable Subject Matter

It is noted with appreciation that Claims 1-5 and 15-20 have been allowed. It is also noted with appreciation that Claims 22, 26, 30, and 35 have been indicated as allowable if amended to overcome rejections under 35 U.S.C. § 112 and to recite upwardly extending sidewalls. The amendments above are in harmony with the indication of allowable subject matter, as described in detail below.

Rejections under 35 U.S.C. § 112

Claims 22-29 were rejected under 35 U.S.C. § 112, second paragraph. Specifically, Claims 22, 25, and 26 were rejected for lack of antecedent basis for “boards,” “one of the panels on the board,” and “the board-receiving panels,” respectively, and Claims 23-25 and 27-29 were rejected under 35 U.S.C. § 112 for being dependent on Claims 22 and 26, respectively. The recitation of “boards” has been removed from Claim 22 by the amendments above. The recitation “one of the panels on the board” has been changed to “one of the panels on the foldable carrier” in Claim 25 by the amendments

above. Claim 26 has been amended above to change “the board-receiving panels” to “the tray-holding panels.” Therefore, it is respectfully submitted that the rejections for lack of antecedent basis have been obviated by the amendments above. Withdrawal of the rejections under 35 U.S.C. § 112 with respect to Claims 22-29 is therefore respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 22-40 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 5,372,253 to O’Brien, et al. (hereinafter “O’Brien”) in view of U.S. Patent No. 5,884,761 to Gelardi, et al. (hereinafter “Gelardi”).

On Page 6 of the Office Action, Claims 22 and 26 were indicated as allowable if amended to overcome the rejections under 35 U.S.C. § 112 and to recite upwardly extending sidewalls. Claims 22 and 26 have been amended to address the rejections under 35 U.S.C. § 112, as discussed above. Additionally, Claims 22 and 26 have been amended to recite sidewalls extending upward. Specifically, amended Claim 22 recites tray holding panels having an inner spine attached to a sidewall extending upward from a box base, and amended Claim 26 recites panels of a foldable creased carrier being hinged to a sidewall extending upward from a bottom wall of a box base.

It is respectfully submitted that O’Brien and Gelardi, considered alone or in combination, do not teach suggest, or disclose upwardly extending sidewalls with panels attached/hinged thereto as recited in amended Claims 22 and 26. Since Claims 22 and 26 have been amended as indicated on Page 6 of the Office Action, it is respectfully submitted that amended Claims 22 and 26, along with Claims 23-25 and 27-29 depending

therefrom, distinguish over O'Brien and Gelardi. It is therefore respectfully submitted that Claims 22-29 are in condition for allowance and withdrawal of the rejections under 35 U.S.C. § 103(a) with respect to Claims 22-29 is respectfully requested.

Page 6 of the Office Action indicates that Claims 30 and 35 would be allowable if amended to recite upwardly extending sidewalls. Accordingly, Claim 30 has been amended to recite a foldable creased carrier with a spine fixedly mounted on a sidewall that extends upward from a bottom wall. Claim 35 has been amended accordingly to recite extending an inner panel from a side extending upward from the bottom of a box.

It is respectfully submitted that O'Brien and Gelardi, considered alone or in combination, do not teach, suggest, or disclose the sidewall extending upward with a carrier mounted thereon, as recited in amended Claim 30, or extending a panel from a side extending upward from the bottom of a box as recited in amended Claim 35. Moreover, since Claims 30 and 35 have been amended as indicated on Page 6 of the Office Action, it is respectfully submitted that amended Claims 30 and 35, along with Claims 31-34 and 36-40 depending therefrom, distinguish over O'Brien and Gelardi. It is therefore respectfully submitted that Claims 30-40 are in condition for allowance and withdrawal of the rejections under 35 U.S.C. § 103(a) with respect to Claims 30-40 is respectfully requested.

CONCLUSION

Applicant wishes to thank the Examiner for indicating that Claims 1-5 and 15-20 are allowable. In view of the amendments and remarks above, it is respectfully submitted that the pending claims are all in condition for allowance and an action so indicating is earnestly requested.

Although Applicant does not believe that any fee is due with this response, the Commissioner is hereby authorized to charge deposit account No. 04-1105 for any fee that may be due with this response. If after reviewing this amendment, the Examiner believes that a telephone interview would facilitate the resolution of any remaining matters, the undersigned attorney may be contacted at the number below.

Respectfully submitted,

Date: March 27, 2008

/Joshua L. Jones/

Electronic Signature for
Joshua L. Jones, Reg. No 57,044
Intellectual Property Practice Group
EDWARDS ANGELL PALMER & DODGE LLP
P.O. Box 55874
Boston, MA 02205
Attorneys/Agents for Applicant(s)
Tel.: (203) 353-6870
Fax: (866) 255-3049